



PATENT  
Attorney Docket No. 00438-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kovatchev, et al.      }      Customer No. 34444  
Serial No. 10/069,674      }  
Filed: February 22, 2002      }      Art Unit: 3736  
Title: Method and Apparatus for Predicting the Risk of Hypoglycemia  
Examiner: Michael C. Astorino

Certificate of Mailing Under 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service using First Class Service under 37 C.F.R. §1.8 on the date indicated below and is addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: June 24, 2004

  
Sue Ann Carr

**TRANSMITTAL OF FIRST SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. 1.97(b) or (c)(2)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Information Disclosure Statement for the above identified application, consisting of Form PTO/SB/08B, and copies of two (2) references. The Information Disclosure Statement is being filed after period specified in 37 CFR §1.97(b) and accompanied by a fee pursuant to 37 CFR §1.17(p).

Applicants respectfully submit that the filing of this Information Disclosure Statement is not a representation that a prior art search was conducted or that the information cited is material to the patentability of the invention as defined in 37 CFR § 1.56, or that any cited document is prior art. Applicants request that the Examiner consider the references, determine their relevance to the present application, if any, and list the references on the face of any patent which may issue from the present application. Applicants further request that an initialed copy of Form PTO/SB/08B be returned to applicants.

The Commissioner is hereby authorized to charge any fees due for this submission to Deposit Account No. 50-0423, as well as credit any refunds.

Respectfully submitted,



Robert J. Decker  
Registration No. 44,056

June 24, 2004

University of Virginia Patent Foundation  
1224 West Main Street, Suite 1-110  
Charlottesville, VA 22903  
Telephone: (434) 924-2640  
Fax: (434) 924-2493

Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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| Complete if Known      |                            |
|------------------------|----------------------------|
| Application Number     | 10/069,674                 |
| Filing Date            | 02/22/2002                 |
| First Named Inventor   | Boris P. Kovatchev, et al. |
| Art Unit               | 3736                       |
| Examiner Name          | Michael C. Astorino        |
| Attorney Docket Number | (00438-03)                 |

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.   | T <sup>2</sup> |
|--------------------|-----------------------|---|----------------|
|                    | 1                     | Cox, D.J., Kovatchev, B.P., Julian, D.M., Gonder-Frederick, L.A., Polonsky, W.H., Schlundt, D.G. and Clarke, W.L. (1994). Frequency of Severe Hypoglycemia in Insulin-Dependent Diabetes Mellitus can be Predicted from Self-Monitoring Blood Glucose Data. (1994). J.of Clin.Endocrinology & Metabolism, 79(6), pp. 1659-1662. |                |
|                    | 2                     | Kovatchev, B.P., Cox, D.J., Gonder-Frederick, L.A. and Clarke, W. (1997). Symmetrization of the Blood Glucose Measurement Scale and Its Applications. Diabetes Care, Vol. 20, No. 11, pp. 1655-1658.  |                |
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| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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